



Rep. Lou Lang

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LRB098 16773 HEP 59394 a

1 AMENDMENT TO SENATE BILL 2952

2 AMENDMENT NO. _____. Amend Senate Bill 2952 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Self-Service Storage Facility Act is
5 amended by changing Sections 2 and 4 as follows:

6 (770 ILCS 95/2) (from Ch. 114, par. 802)

7 Sec. 2. Definitions. As used in this Act, unless the
8 context clearly requires otherwise:

9 (A) "Self-service storage facility" means any real
10 property designed and used for the purpose of renting or
11 leasing individual storage space to occupants who are to have
12 access to such for the purpose of storing and removing personal
13 property. A self-service storage facility is not a warehouse
14 for purposes of Article 7 of the Uniform Commercial Code. If an
15 owner issues any warehouse receipt, bill of lading, or other
16 document of title for the personal property stored, the

1 provisions of this Act do not apply.

2 (B) "Owner" means the owner, operator, lessor, or sublessor
3 of a self-service storage facility, his agent, or any other
4 person authorized by him to manage the facility, or to receive
5 rent from an occupant under a rental agreement.

6 (C) "Occupant" means a person, his sublessee, successor, or
7 assign, entitled to the use of the storage space at a
8 self-service storage facility under a rental agreement, to the
9 exclusion of others.

10 (D) "Rental agreement" means any agreement or lease,
11 written or oral, that establishes or modifies the terms,
12 conditions, rules or any other provisions concerning the use
13 and occupancy of a self-service storage facility.

14 (E) "Personal property" means movable property not affixed
15 to land, and includes, but is not limited to goods,
16 merchandise, motor vehicles, watercraft, and household items.

17 (F) "Last known address" means that mailing address or
18 electronic mail address provided by the occupant in the latest
19 rental agreement, or the mailing address or electronic mail
20 address provided by the occupant in a subsequent written notice
21 of a change of address.

22 (G) "Late fee" means a charge assessed for an occupant's
23 failure to pay rent when due. "Late fee" does not include
24 interest on a debt, reasonable expenses incurred in the
25 collection of unpaid rent, or costs associated with the
26 enforcement of any other remedy provided by statute or

1 contract.

2 (H) "Verified mail" means any method of mailing that is
3 offered by the United States Postal Service or private delivery
4 service that provides evidence of mailing.

5 (I) "Electronic mail" means the transmission of
6 information or a communication by the use of a computer or
7 other electronic means sent to a person identified by a unique
8 address and that is received by that person.

9 (Source: P.A. 97-599, eff. 8-26-11.)

10 (770 ILCS 95/4) (from Ch. 114, par. 804)

11 Sec. 4. Enforcement of lien. An owner's lien as provided
12 for in Section 3 of this Act for a claim which has become due
13 may be satisfied as follows:

14 (A) The occupant shall be notified;

15 (B) The notice shall be delivered:

16 (1) in person; or

17 (2) by verified ~~certified~~ mail or by electronic mail
18 ~~first class mail with a certificate of mailing~~ to the last
19 known address of the occupant;

20 (C) The notice shall include:

21 (1) An itemized statement of the owner's claim showing
22 the sum due at the time of the notice and the date when the
23 sum became due;

24 (2) The name of the facility, address, telephone
25 number, date, time, location, and manner of the lien sale,

1 and the occupant's name and unit number;

2 (3) A notice of denial of access to the personal
3 property, if such denial is permitted under the terms of
4 the rental agreement, which provides the name, street
5 address, and telephone number of the owner, or his
6 designated agent, whom the occupant may contact to respond
7 to this notice;

8 (3.5) Except as otherwise provided by a rental
9 agreement and until a lien sale, the exclusive care,
10 custody, and control of all personal property stored in the
11 leased self-service storage space remains vested in the
12 occupant. No bailment or higher level of liability is
13 created if the owner over-locks the occupant's lock,
14 thereby denying the occupant access to the storage space.
15 Rent and other charges related to the lien continue to
16 accrue during the period of time when access is denied
17 because of non-payment;

18 (4) A demand for payment within a specified time not
19 less than 14 days after delivery of the notice;

20 (5) A conspicuous statement that unless the claim is
21 paid within the time stated in the notice, the personal
22 property will be advertised for sale or other disposition,
23 and will be sold or otherwise disposed of at a specified
24 time and place.

25 (D) Any notice made pursuant to this Section shall be
26 presumed delivered when it is deposited with the United States

1 Postal Service, and properly addressed with postage prepaid or
2 sent by electronic mail and the owner receives a receipt of
3 delivery to the occupant's last known address, except if the
4 owner does not receive a receipt of delivery for the notice
5 sent by electronic mail, the notice is presumed delivered when
6 it is sent to the occupant by verified mail to the occupant's
7 last known mailing address;

8 (E) After the expiration of the time given in the notice,
9 an advertisement of the sale or other disposition shall be
10 published once a week for two consecutive weeks in a newspaper
11 of general circulation where the self-service storage facility
12 is located. The advertisement shall include:

13 (1) The name of the facility, address, telephone
14 number, date, time, location, and manner of lien sale and
15 the occupant's name and unit number.

16 (2) (Blank).

17 (3) The sale or other disposition shall take place not
18 sooner than 15 days after the first publication. If there
19 is no newspaper of general circulation where the
20 self-service storage facility is located, the
21 advertisement shall be posted at least 10 days before the
22 date of the sale or other disposition in not less than 6
23 conspicuous places in the neighborhood where the
24 self-service storage facility is located.

25 (F) Any sale or other disposition of the personal property
26 shall conform to the terms of the notification as provided for

1 in this Section;

2 (G) Any sale or other disposition of the personal property
3 shall be held at the self-service storage facility, or at the
4 nearest suitable place to where the personal property is held
5 or stored. A sale under this Section shall be deemed to be held
6 at the self-service storage facility where the personal
7 property is stored if the sale is held on a publicly accessible
8 online website;

9 (G-5) If the property upon which the lien is claimed is a
10 motor vehicle or watercraft and rent or other charges related
11 to the property remain unpaid or unsatisfied for 60 days, the
12 owner may have the property towed from the self-service storage
13 facility. If a motor vehicle or watercraft is towed, the owner
14 shall not be liable for any damage to the motor vehicle or
15 watercraft, once the tower takes possession of the property.
16 After the motor vehicle or watercraft is towed, the owner may
17 pursue other collection options against the delinquent
18 occupant for any outstanding debt. If the owner chooses to sell
19 a motor vehicle, aircraft, mobile home, moped, motorcycle,
20 snowmobile, trailer, or watercraft, the owner shall contact the
21 Secretary of State and any other governmental agency as
22 reasonably necessary to determine the name and address of the
23 title holder or lienholder of the item, and the owner shall
24 notify every identified title holder or lienholder of the time
25 and place of the proposed sale. The owner is required to notify
26 the holder of a security interest only if the security interest

1 is filed under the name of the person signing the rental
2 agreement or an occupant. An owner who fails to make the lien
3 searches required by this Section is liable only to valid
4 lienholders injured by that failure as provided in Section 3;

5 (H) Before any sale or other disposition of personal
6 property pursuant to this Section, the occupant may pay the
7 amount necessary to satisfy the lien, and the reasonable
8 expenses incurred under this Section, and thereby redeem the
9 personal property. Upon receipt of such payment, the owner
10 shall return the personal property, and thereafter the owner
11 shall have no liability to any person with respect to such
12 personal property;

13 (I) A purchaser in good faith of the personal property sold
14 to satisfy a lien, as provided for in Section 3 of this Act,
15 takes the property free of any rights of persons against whom
16 the lien was valid, despite noncompliance by the owner with the
17 requirements of this Section;

18 (J) In the event of a sale under this Section, the owner
19 may satisfy his lien from the proceeds of the sale, but shall
20 hold the balance, if any, for delivery on demand to the
21 occupant. If the occupant does not claim the balance of the
22 proceeds within one year of the date of sale, it shall become
23 the property of the owner without further recourse by the
24 occupant.

25 (K) The lien on any personal property created by this Act
26 shall be terminated as to any such personal property which is

1 sold or otherwise disposed of pursuant to this Act and any such
2 personal property which is removed from the self-service
3 storage facility.

4 (L) If 3 or more bidders who are unrelated to the owner are
5 in attendance at a sale held under this Section, the sale and
6 its proceeds are deemed to be commercially reasonable.

7 (Source: P.A. 97-599, eff. 8-26-11.)".